

# Lincoln



# Nebraska's Capital City

February 19, 2003

Mayor Wesely and City Council  
City of Lincoln  
City County Building  
Lincoln, NE

Mayor Wesely and Members of the City Council:

Mr. Leo Scherer has acquired the rights to sell/serve alcoholic beverages at Best Western Airport Inn, 3200 N.W. 12<sup>th</sup> street, holder of a class C liquor license.

Mr. Scherer requests a name change to Sky Lounge. He also requests a class C liquor license be approved for Sky Lounge.

Background information will be omitted as the Council on December 16, 2002 approved Mr. Scherer as the manager for Best Western Airport Inn.

If this application is approved, it should be with the understanding that it conforms to all the rules and regulations of Lincoln, Lancaster County and the State of Nebraska.

THOMAS K. CASADY, Chief of Police



Police Department  
575 South 10th Street / Lincoln, Nebraska 68508 / Phone: 402-441-7204 / Fax: 402-441-8492 / Website: [www.ci.lincoln.ne.us](http://www.ci.lincoln.ne.us)  
A nationally accredited law enforcement agency



# STATE OF NEBRASKA

Set date 2-10-03  
PH: 2-24-03



Mike Johanns  
Governor

February 4, 2003

## NEBRASKA LIQUOR CONTROL COMMISSION

Forrest D. Chapman

Executive Director

301 Centennial Mall South, 5th Floor

P.O. Box 95046

Lincoln, Nebraska 68509-5046

Phone (402) 471-2571

Fax (402) 471-2814

TRS USER 800 833-7352 (TTY)

web address: <http://www.nol.org/home/NLCC/>

A3-013042  
139

LA

City Clerk  
County/City Bldg  
555 South 10<sup>th</sup> Street  
Lincoln NE 68508

Dear Local Governing Body:

Attached is the form to be used on all retail liquor license applications. Local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license at time of issuance.

### TWO KEY TIME FRAMES TO KEEP IN MIND ARE:

- 1) You have 45 days to conduct a hearing after the date of receipt of the notice from this Commission (§53-134). You may choose **NOT** to make a recommendation of approval or denial to our Commission.

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:

- 1) There is a recommendation of denial from the local governing body.
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

PLEASE NOTE...A LICENSEE MUST BE "PROPERLY" LICENSED IN ORDER TO PURCHASE FROM WHOLESALERS; AND, A LICENSE IS EFFECTIVE:

- 1) Upon payment of the license fees;
- 2) Physical possession of the license;
- 3) Effective date on the license.

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION

Michelle Porter  
Licensing Division

Enclosures

Rhonda R. Flower  
Commissioner

Bob Logsdon  
Chairman

R.L. (Dick) Coyne  
Commissioner

An Equal Opportunity/Affirmative Action Employer

Printed with soy ink on recycled paper

FORM 35-4001  
REV. 12.99

Scherey, Leo V.  
aka Sky Lounge  
Class C  
3200 NW 12th

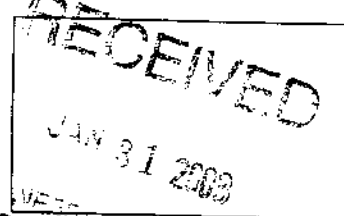
FILED  
CITY CLERK  
03 FEB 5 PM 2003  
CITY OF LINCOLN  
NEBRASKA

L# C58299

COPY

**APPLICATION FOR LICENSE**  
 Nebraska Liquor Control Commission  
 PO Box 95046,  
 301 Centennial Mall South  
 Lincoln, NE 68509-5046

<http://www.nol.org/home/NLCC/>  
 Phone: (402) 471-2571  
 Fax: (402) 471-2814



**INSTRUCTIONS:** Include: 1. Applicable fees payable to Liquor Control Commission 2. Copy of birth certificate or naturalization papers proving U.S. citizenship for each individual and spouse named on application (not required of corporations or spouse(s) who file an affidavit of no interest with application, Commission form 4178 3. Corporations must include copy of articles of incorporation as filed with the Secretary of States office in the state of Nebraska 4. Commission checklist, form 4251 5. Fingerprint cards and processing fees (are required of individuals, all partners and spouses. Corporate applicants must file for CEO/Manager & stockholders holding over 25% stock 6. All applications must be typewritten or printed clearly 7. Submit in **Triplicate** 8. Required areas marked by a red asterisk ( \* )

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND LIST OF FEES FOR EACH**

Class of License (Check applicable class) *	Registration Fee	License Fees	Corporate Surety Bond *send copy
<input type="checkbox"/> A Beer, On Sale Only - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> F Beer, On Sale Only - Outside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> B Beer, Off Sale Only - Inside/Outside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> J Wine, Beer, On Sale Only - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> I Spirits, Wine, Beer, On Sale Only - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> D Spirits, Wine, Beer, Off Sale Only - Inside Corporate Limits	\$45.00	\$150.00	exempt
<input type="checkbox"/> DI Spirits, Wine, Beer, Off Sale Only - within extraterritorial zoning jurisdiction	\$45.00	\$150.00	exempt
<input checked="" type="checkbox"/> C Spirits, Wine, Beer On & Off Sale - Inside Corporate Limits	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> M Bottle Club (Spirits, Wine, Beer, On Sale)	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> H Nonprofit Corporation	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> K Wine Only, Off Sale	\$45.00	Collected at Local Level	exempt
<input type="checkbox"/> O Boat	\$45.00	\$50.00	exempt
<input type="checkbox"/> V Manufacturer of Beer, Wine & Distilled Spirits	\$45.00	Varies \$100 to \$1,000	*\$10,000 min.
<input type="checkbox"/> X Wholesale Liquor	\$45.00	\$500.00	*\$ 5,000 min.
<input type="checkbox"/> W Wholesale Beer	\$45.00	\$250.00	*\$ 5,000 min.
<input type="checkbox"/> Y Farm Winery	\$45.00	\$250.00	*\$ 1,000 min.
<input type="checkbox"/> L Craft Brewery (Brew Pub)	\$45.00	\$250.00	*\$ 1,000 min.

TYPE OF APPLICATION *	NAME OF PERSON ASSISTING WITH APPLICATION	
Type of application being applied for (check appropriate box)		
1. <input checked="" type="radio"/> Individual License requires Form 1 to be attached.	Name Darrell K. Stock	
2. <input type="radio"/> Partnership License requires Form 2 to be attached.	Firm Name	Address
3. <input type="radio"/> Corporate License requires Forms 3 and Manager Application to be attached	Snyder & Stock	1115 K St., #104, Lincoln NE 6

## SECTION A -- LOCATION INFORMATION -- Must be completed by all applicants

Trade Name (name of business) Sky Lounge		Telephone Number at premise to be licensed 475-9541	
1) Street Address of Proposed licensed premise 3200 N.W. 12th St.		2) Mailing Address for receipt of Liquor Control Commission mailings 3200 N.W. 12th St.	
City Lincoln	County Lancaster	City Lincoln	County Lancaster
Zip Code 68521	Is this located inside the city limits? <input checked="" type="radio"/> Yes <input type="radio"/> No		Zip Code 68521

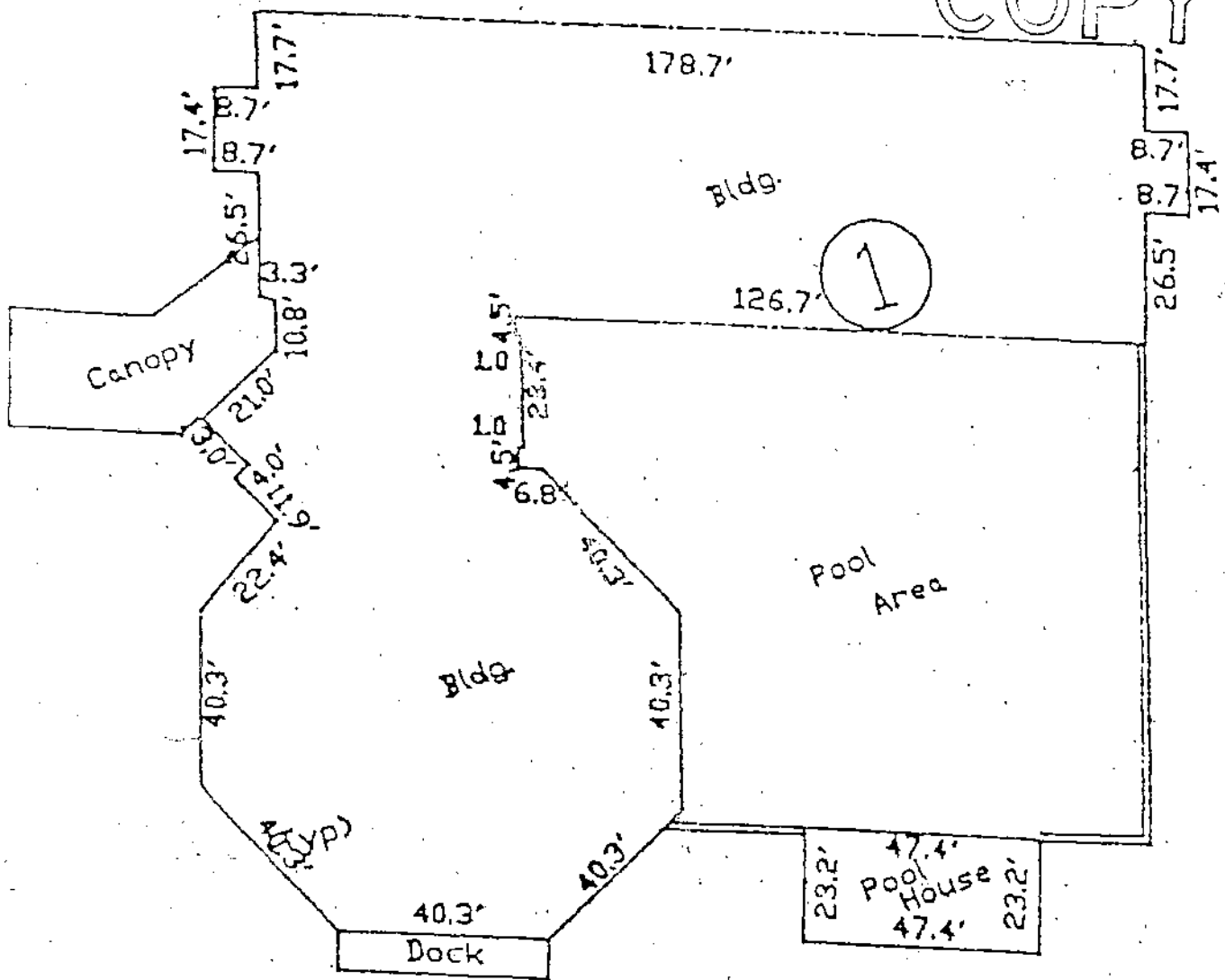
## DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED

In the space provided draw the area to be licensed. This should include storage areas, basement, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building in situations where only a portion of the entire bldg. is to be covered by the license. No blue prints will be accepted. Be sure to indicate the direction North and number of floors of the building.

☒

Example: East portion approximately 50' x 100' of main floor of 3 story building plus basement. Approximately 30' x 50' at the East end.

COPY



Five story motel building (no basement) plus adjoining one story lobby, restaurant, lounge, banquet rooms, storage, kitchen, pool house and pool (approx size 102' x 87').

*Same as before F 00982*

SECTION B		OTHER INFORMATION REQUIRED *		Explanation/Comments Note: Only what is visible on screen will be printed
	Yes	No		
<p>* 1. READ CAREFULLY. Answer completely and accurately.</p> <p>Has anyone who is a party to this application, or their spouse, ever been convicted of or plead guilty to any criminal charge. Criminal charge means any charge alleging a felony or misdemeanor violation of a federal or state law; or a violation of a local law, ordinance or resolution. Include any DWIs or DUIs. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.</p>	Yes <input type="radio"/>	No <input checked="" type="radio"/>		
<p>* 2. Are you buying the business and/or assets of a licensee? If yes, submit a copy of the sales agreement with a listing of assets being acquired including liquor inventory (name brand and container size required).</p>	Yes <input checked="" type="radio"/>	No <input type="radio"/>	See attached	# 6095.2
<p>* 3. Are you filing a temporary agency agreement, Commission form 4231, whereby current licensee allows you to operate on their license? If yes, attach copy.</p>	Yes <input checked="" type="radio"/>	No <input type="radio"/>	See Attached	
<p>* 4. Are you borrowing any money from any source to establish and/or operate the business? If yes, list the lender.</p>	Yes <input type="radio"/>	No <input checked="" type="radio"/>		
<p>* 5. Will any person or entity other than licensee be entitled to a share of the profits of the establishment? If yes, explain.</p>	Yes <input type="radio"/>	No <input checked="" type="radio"/>		

<p>6. Will any of the furniture, fixtures and equipment to be used in this business be owned by others? If yes, list such items and the owner.</p>	<p>Yes <input checked="" type="radio"/></p>	<p>No <input type="radio"/></p>	<p>See attached list</p>
<p>7. Will any person(s) other than named in this application have any direct or indirect ownership or control of the business? If yes, explain?</p>	<p>Yes <input type="radio"/></p>	<p>No <input checked="" type="radio"/></p>	
<p>8. Are the premises to be licensed within 150 ft. of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, children, or within 300 ft. of a college or university campus? If yes, list the name of such institution and where it is located in relation to the premises. Per Sec. §53-177.</p>	<p>Yes <input type="radio"/></p>	<p>No <input checked="" type="radio"/></p>	
<p>9. Is anyone listed on this application a law enforcement officer? If yes, list the person, the law enforcement agency involved and the persons exact duties.</p>	<p>Yes <input type="radio"/></p>	<p>No <input checked="" type="radio"/></p>	
<p>10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business and the person(s) who will be authorized to write checks and/or make withdrawals on accounts at such institutions.</p>	<p>Cornhusker Bank Leo V. Scherer</p>		
<p>11. List all past and present liquor licenses held by any person named in this application. Include license holder name, location of license and license number. Also list reasons for termination of any licenses previously held.</p>	<p>Leo V. Scherer Arnolds Tavern - Havelock Sold Business</p>		
<p>12. List the person who will be the on site supervisor of the business and the estimated number of hours per week such person or manager will be on the premises supervising operations.</p>	<p>Leo V. Scherer Approximately 60 hours per week</p>		

COPY

ATTACHMENT TO APPLICATION FOR LIQUOR LICENSE

#6 Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

Farmer Brothers Coffee Making Equipment  
Pepsi-Cola Pop Dispensing Equipment  
Orange Juice Dispensing Equipment  
Boiler Plate  
Two Pepsi-Cola Pop Machines  
Sundry Dispensing Machine  
All furniture and fixtures in Coyd's Indian Jewelry Shop



13. List the training and experience of the person listed in #12 above in connection with selling and/or serving alcohol products.	Present manager/operator of premises; former owner/operator of Arnolds Tavern - Havelock		
14. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership, if leased submit a copy of the lease covering the entire license year. (Documents must show title or lease held interest in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed)	See attached lease		
15. When do you intend to open for business?	Upon transfer of liquor license		
16. List the principal residence for the past 10 years for all persons required to sign application. If necessary attach a separate sheet.			
NAME	FROM (YEAR)	TO (YEAR)	RESIDENCE (CITY, STATE)
Leo V. Scherer	1963	present	Lincoln, Nebraska

The undersigned applicant(s) hereby consent(s) to a background investigation and release of present & future records of every kind and description including police records, tax records (State and Federal), bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation or any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete and/or inaccurate.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public. Must be signed by applicant and spouse; if a partnership, all partners and spouses must sign and corporation, all stockholders (holding more than 25% of the stock), officers, directors and spouses must sign. Full names only, initials not acceptable.

Sign  
here \_\_\_\_\_

Sign  
Here *Rev. J. Schen*

Sign  
Here \_\_\_\_\_

Sign  
Here \_\_\_\_\_

Sign  
Here \_\_\_\_\_

Sign  
Here \_\_\_\_\_

Sign  
Here \_\_\_\_\_

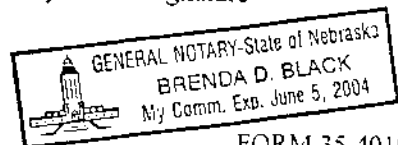
Sign  
Here \_\_\_\_\_

Subscribed in my presence and sworn to before me this 30 day of January, 2003  
(SEAL) 7

In compliance with ADA, this application for license form is available in other formats for persons with disabilities. A ten day advance period is requested in writing to produce the alternative format.

Sign  
here *Brenda D. Black*  
Notary Public Signature

Verify & Print form



FORM 35-4010

1  
REV 1/01

NEBRASKA LIQUOR CONTROL COMMISSION  
Individual Application  
for License  
FORM 1

COPY  
RECEIVED

JAN 31 2003

NEBRASKA LIQUOR  
CONTROL COMMISSION

## INSTRUCTIONS:

- 1) An Individual Licensee Must be a Resident of the State of Nebraska.
- 2) Each Applicant and Spouse must attach fingerprint cards (2 cards per person) and proper fees.
- 3) All applications must be typewritten and submitted in triplicate.

Required areas marked by a red asterisk ( \* )

Name of Applicant (Last, First, Middle, Maiden). List any Previous Names or Aliases Used. \*

Scherer, Leo V.

Social Security Number

507-32-7032 \*

Date of Birth

2/18/1934 \*

Applicant's Home Address (1)

620 W. Broadview Dr. \*

Applicant's Home Address (2)

City

Lincoln \*

County

Lancaster \*

Zip Code

68505 \*

Driver's License Number

Go2024756 \*

State

NE \*

Home Telephone Number

486-1847 \*

Business Telephone Number

475-9541 \*

Are You Married? Yes ☐ No ☒ If Yes, You must complete the following:

Spouse's Name (Last, First, Middle, Maiden). List Any Previous Names or Aliases Used

Spouse's Social Security Number

Spouse's Date of Birth

Spouse's Driver License number

State

I Verify Form and Print

## TEMPORARY AGENCY AGREEMENT

ID# 299

COPY RECEIVED

JAN 31 2003

NEBRASKA LIQUOR  
CONTROL COMMISSION

1. On January 30, 2003, Seller and Buyer entered into a contract for sale of the business known as Best Western Airport Inn, which contract is contingent upon Buyer receiving approval for a liquor license to operate the business.

2. Seller and Buyer agree to allow Buyer to operate the business, subject to approval by the Liquor Control Commission, for a period not to exceed 120 days subsequent to January 30, 2003, the date of filing the application with the Liquor Control Commission.

3. Seller will maintain a possessory interest in the property in the form of a lease, use permit or license;

4. Buyer will at all times be the agent of the Seller, but Buyer will be completely and totally responsible for the operation of the business and for all liability associated with the operation of the business during the time when Buyer is acting as Seller's agent; it is specifically understood that Seller shall have no liability for the operation of the business during this period of time, and Buyer agrees to indemnify and hold Seller harmless from any claims arising during this period of operation; however, it is understood that the liquor license remains in the name of the Seller and Seller will be responsible for all violations of the liquor laws of the State of Nebraska until such time as Seller's license is canceled;

5. At time of closing, certain funds will be held in escrow pending issuance of the license.

6. **Financial Institution: Name, Address, Account number** of where escrow account is being held  
 Cornhusker Bank, 14th Cornhusker Hwy., Lincoln, NE 68521

Account # 1022045

7. All profits derived from the operation of the business by the buyer, after payment of bills and salaries, shall be paid to the same escrow agent to be held until the issuance of the license, it being specifically understood that the Buyer shall receive no profits from the operation of the business until the liquor license has been issued to Buyer, but shall have the right to direct the investment of profit funds by escrow agent.

8. This agreement constitutes the entire and complete understanding of all parties with regard to the agency relationship, and is binding upon the heirs, personal representatives and successors of the parties.

9. It is hereby understood that in the event the Commission denies this application, this Temporary Agency Agreement is null and void the date of the order.

Airport Inn, Inc.

Signature of

Seller

Gil Grady  
 Gil Grady, President

Signature of

Seller

Signature of  
Buyer

Leo V. Scherer

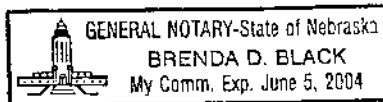
Signature of  
BuyerDated this 30 day of January 2003STATE OF NEBRASKA )  
COUNTY OF LANCASTER )  
ssThe above and foregoing Agency Agreement was acknowledged before me this 30 day ofJanuary, 2003.By Gil Grady, President of Airport Inn, Inc., as Seller

\_\_\_\_\_, as Seller.

The above and foregoing Agency Agreement was acknowledged before me this 30 day ofJanuary, 2003.By Leo V. Scherer, as Buyer,

\_\_\_\_\_, as Buyer.

Signature &amp; Seal of Notary Public

Brenda D. Black

FORM 35-4231